

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Arctic Cat, Inc.,
a Minnesota Corporation,

Plaintiff,

v.

Injection Research Specialists, Inc.,
a Colorado corporation, and
Pacer Industries, Inc.,
a Missouri corporation,

Defendants.

ORDER

Injection Research Specialists, Inc.,
a Colorado corporation, and
Pacer Industries, Inc.,
a Missouri corporation,

Counterclaimants,

v.

Civil No. 01-543 (MJD/RLE)

Arctic Cat, Inc.,
a Minnesota Corporation, and
Suzuki Motor Corporation,
a Japanese Corporation,

Counterdefendants.

Annamarie A. Daley, Aaron A. Myers, Robins, Kaplan, Miller & Ciresi L.L.P.,
Counsel for **Arctic Cat, Inc.**

Thomas H. Jenkins, Bruce C. Zotter, Christopher W. Day, Finnegan,
Henderson, Farabow, Garrett & Dunner L.L.P., Counsel for **Suzuki Motor
Corp.**

William F. Forsyth, Henson & Efron, P.A., Counsel for **Suzuki Motor Corp.**

Anthony de Alcuaz, David W Slaby, Jill M. Kastner, Michael S. Wilcox,
Robert J. Blanch, McDermott Will & Emery, Counsel for **Injection Research
Specialists, Inc., and Pacer Industries, Inc.**

David P. Pearson, Tiffany Ann Blofield, Winthrop & Weinstine, Counsel for
Injection Research Specialists, Inc., and Pacer Industries, Inc.

The above-entitled matter comes before the Court upon the Report and Recommendation [Docket No. 699] of United States Magistrate Judge Raymond L. Erickson, dated March 14, 2005. The Report and Recommendation recommended that the Motion of Arctic Cat, Inc. ("Arctic Cat") and Suzuki Motor Corporation ("Suzuki"), for Summary Judgment based on Invalid Reissue be granted, and their Motion for Summary Judgment on False Reissue Oath be denied.

Both parties have filed objections to portions of the Report and Recommendation. Injection Research Specialists ("IRS") and Pacer Industries, Inc. ("Pacer") object to the portions of the Report and Recommendation that recommended granting summary judgment based on invalid reissue. Arctic Cat and Suzuki object to the Magistrate Judge's recommendation to deny for summary judgment based on false reissue oath.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). Based on that review, the Court adopts the Report and Recommendation dated March 14, 2005.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation [Docket No. 699] filed by United States Magistrate Judge Raymond L. Erickson is hereby **ADOPTED**.
2. IRS and Pacer's Objection to Evidence Submitted in Support of Arctic Cat's and Suzuki's Motion for Summary Judgment Based on Invalid

Reissue and False Reissue Oath [Docket No. 630] is **DENIED AS MOOT**.

3. Arctic Cat's and Suzuki's Motion for Summary Judgment Based on Invalid Reissue and False Reissue Oath [Docket No. 621] is **GRANTED IN PART AND DENIED IN PART** as set forth below:
 - a. The Motion based on Invalid Reissue and False Reissue Oath is **GRANTED** insofar as Arctic Cat and Suzuki seek Summary Judgment on Invalid Reissue.
 - b. The Motion based on Invalid Reissue and False Reissue Oath is **DENIED** insofar as Arctic Cat and Suzuki seek Summary Judgment on False Reissue Oath.

Dated: May 10, 2005

s/ Michael J. Davis
Judge Michael J. Davis
United States District Court